

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NATHAN JOVON SCOTT,)	
#01873387,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
VS.)	
)	3:22-CV-1163-G-BH
MICHAEL BRITT,)	
)	
Respondent.)	

**ORDER OF THE COURT ON RECOMMENDATION REGARDING
REQUEST TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

Considering the record in this case and the recommendation of the Magistrate Judge, the court hereby finds and orders:

- () The request for leave to proceed *in forma pauperis* on appeal is GRANTED.
- (X) The request for leave to proceed *in forma pauperis* on appeal, received on July 26, 2022 (docket entry 9), is **DENIED** because the court certifies pursuant to Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith. In support of this certification, the court incorporates by reference the findings, conclusions, and recommendation filed in this case on June 16, 2022 (docket entry 5). Based on that filing, this court finds that the appeal presents no legal points of arguable merit and is therefore frivolous. The request is also denied because the petitioner has not established that he is a pauper under 28 U.S.C. § 1915(a), which provides that a prisoner seeking to appeal a judgment in a civil action “shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the . . . notice of appeal, obtained from the appropriate official of each prison

at which the prisoner is or was confined.” The petitioner has submitted no such statement or institutional equivalent.

- (X) Although this court has denied leave to proceed *in forma pauperis* on appeal, the petitioner may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See FED. R. APP. P. 24(a)(5).

SO ORDERED.

December 15, 2022.



A. JOE FISH
Senior United States District Judge